

July 31, 2018

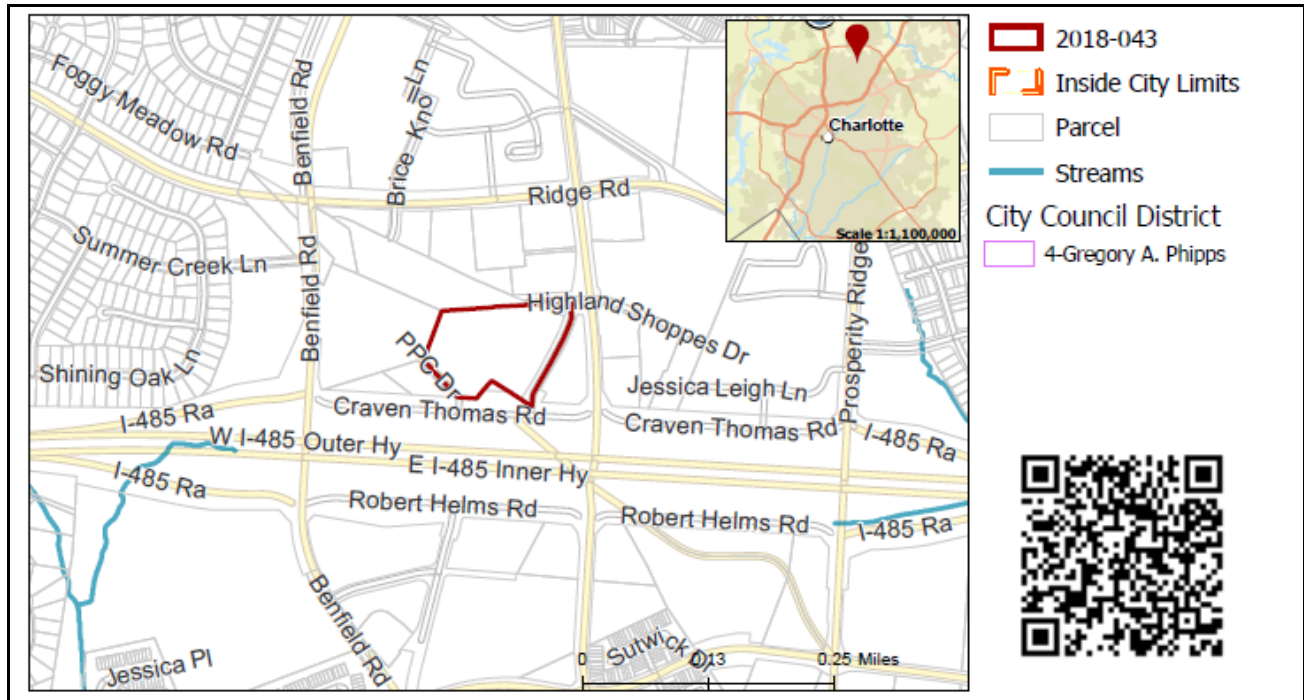
## REQUEST

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

## LOCATION

Approximately 5.85 acres located south of Ridge Road, west of Prosperity Church Road, east of Benfield Road, north of I-485.  
 (Council District 4 - Phipps)



## SUMMARY OF PETITION

The petition proposes redevelop the site in the Prosperity Village area with a nursery/greenhouse and a building containing other retail, office, eating/drinking/entertainment (EDEE) and personal services uses.

## PROPERTY OWNER

Leztier Limited Partnership

## PETITIONER

Pike Nurseries

## AGENT/REPRESENTATIVE

John Carmichael and Ty Shaffer, Robinson Bradshaw & Hinson, P.A.

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 17.

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is inconsistent with the mapped land use in the *Prosperity Hucks Area Plan* which recommends Park/Open Space for the portion of the site that includes the pond, and frontage on Highland Shoppes Drive. The request is consistent with the mix of uses (retail/service, office, and institutional) recommended for the remaining portion of the site.

### Rationale for Recommendation

The proposal is consistent with more specific recommendations of the area plan including that:

- The existing pond should remain and may be incorporated into a significant open space and there could be retail uses along a realigned McKay Road and the extension of Highland Shoppes Drive.

- Development should recognize the existing pond as a key open space element and any additional open space should building upon this unique amenity, and uses should orient to it or to the adjacent street. The proposed site plan preserves the existing pond, and provides a plaza area and pedestrian path around the pond creating a park/open space area.
- New buildings to be oriented towards streets with parking located to side or rear. Shared parking is encouraged. The site and building design is in a walkable form with buildings oriented to McKay Road and the extension of Highland Shoppes Drive
- Sites larger than five acres should include at least two uses mixed vertically or horizontally and the proposal includes multiple uses mixed horizontally.
- The site is not appropriate for uses with accessory drive-in service windows and gasoline pumps which are prohibited on the proposed site plan.

## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Denotes two development areas:
  - Area 1: On the eastern portion of the site along McKay Road
    - Allows a building up to 12,000 square feet for retail and wholesale nursery use; and
    - Allows up to 25,000 square feet for greenhouse; and
    - Allows up to 17,500 square feet for outdoor display area; and
    - Prohibits accessory drive-in and drive-through service lanes/windows.
  - Area 2: On the northwestern portion of the site along the extension of Highland Shoppes Drive
    - Allows a building up to 11,000 square feet with any combination of uses including:

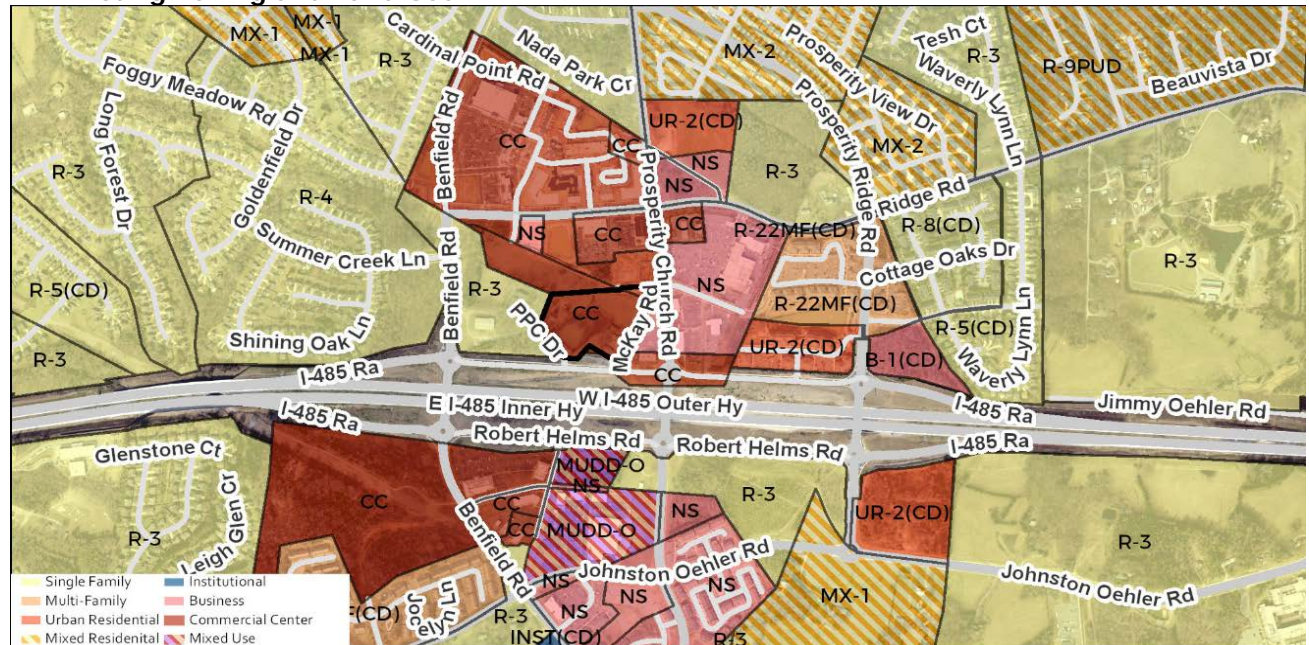
medical, dental, and optical clinics	dry cleaning and laundry establishments	offices
retail establishments	barber and beauty shops	jewelers
business personal and recreation services	eating/drinking/entertainment establishments (EDEE)	automotive service stations without gasoline sales and pull through service

- Prohibits automotive service stations with gasoline sales and accessory drive-in service windows.
  - Specifies that if an automotive service station without gasoline sales is located on the site that the service bay doors shall be oriented to the interior of the site.
- Architectural Standards
  - Provides building elevations for the proposed building and greenhouse in Area 1.
  - Provides a number of architectural standards for the proposed building in Area 2 related to front facades oriented to streets, transparent glass, masonry material, blank wall limits, and building articulation and modulation; minimum building height of 22 feet and maximum building height of two stories and 40 feet.
  - Specifies any fence installed around the outdoor display area shall be decorative painted aluminum.
- Buffers and Open Space
  - Establishes a 40.5-foot wide Class B buffer along the western and southwestern boundary of the site adjacent to the existing church in R-3 (single family) zoning. If the adjacent parcel is either rezoned or developed with a use that eliminates or reduces the buffer requirement or if a future street is constructed by others along the western boundary or portions thereof, the petitioner may reduce or eliminate the relevant buffer areas.
  - Provides publicly accessible open space plazas that will include at a minimum some combination of landscaping, pedestrian walks and seating. Commits to a continuous pedestrian path through the site adjacent to the pond, which is to be preserved.
- Transportation
  - Provides transportation improvements including the construction of public street extension of Highland Shoppes Drive from McKay Road to the western boundary of the site, and construction of planting strips and sidewalks along the site frontages of McKay Road and southern side of the extension of Highland Shoppes Drive.



- Reserves future right-of-way along the northwestern boundary of the site to facilitate a future public street to be constructed by others.

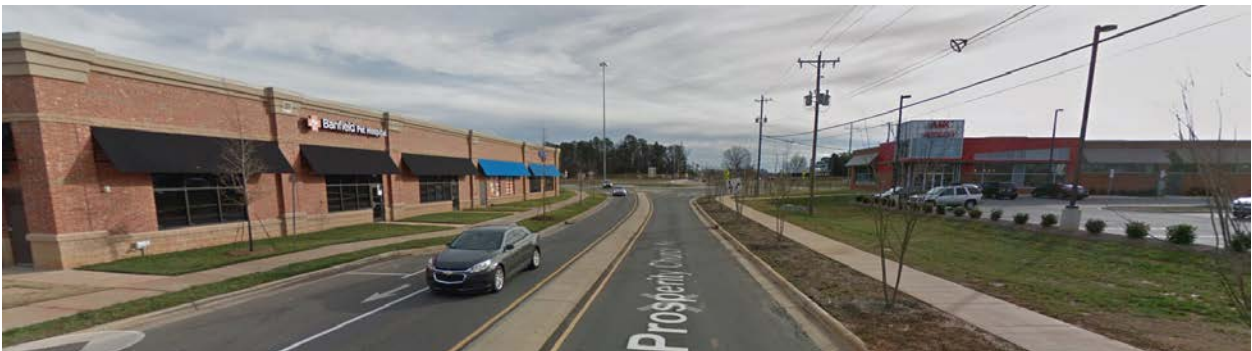
• **Existing Zoning and Land Use**



The subject property is developed with two duplexes and one single family home and is zoned CC (commercial center).



The subject property is developed with two duplexes and a single family house.



Property to the east is developed with a mix of retail uses.





The subject property is adjacent to Interstate 485 to the south.

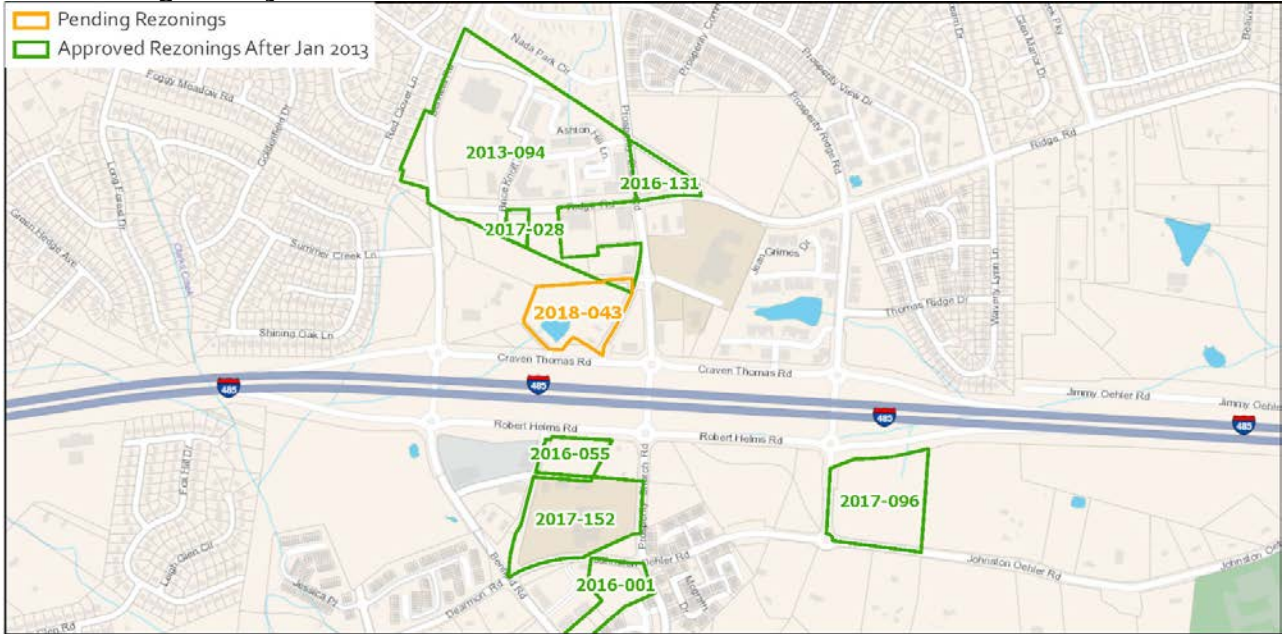


Prosperity Presbyterian Church is located to the west of the property.



Property to the north is developed with a mixture of retail uses.

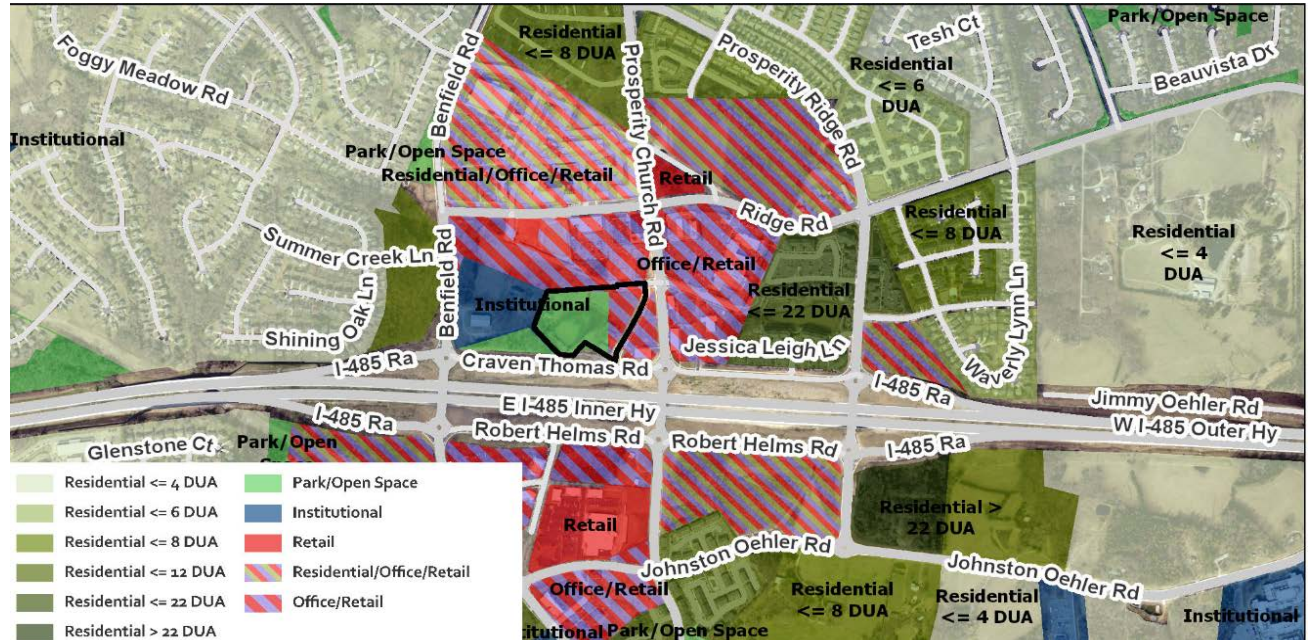
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-152	Rezoned 9.054 acres south of the site, across I-485 to MUDD-O (mixed use development, optional) to allow 110,000 square feet of commercial uses including a movie theater.	Approved
2017-096	Rezoned 8.96 acres south of the site, across I-485 to UR-2(CD) (urban residential, conditional) to allow 260 multi-family dwelling units.	Approved
2017-028	Rezoned .77 acres north of the site, south of Ridge Road to NS (neighborhood services) to allow 4,500 square feet of retail, personal service, EDEE and other uses.	Approved
2016-131	Rezoned 1.623 acres north of the site, north of Ridge Road to NS (neighborhood services) to allow 5,000 square feet of retail, personal service, general/medical office, and EDEE uses.	Approved
2016-055	Rezoned 2.52 acres south of the site, across I-485 to MUDD-O (mixed use development, optional) to allow 17,500 square feet of commercial uses and 101,000 square feet of climate controlled self-storage use.	Approved
2016-001	Rezoned 8.03 acres south of the site, across I-485 to NS (neighborhood services) to allow 49,000 square feet of retail and office uses.	Approved
2013-094	Rezoned 33.841 acres north of the site to CC (commercial center) to allow 100,000 square feet of commercial uses and 292 residential dwelling units.	Approved



## • Public Plans and Policies



- The *Prosperity Hucks Area Plan* (2015) recommends Park/Open Space for the portion of the site that includes the pond, and mix of uses (retail/service, office, and institutional) for the remaining portion of the site.
  - The plan specifies that the existing pond should remain and may be incorporated into a significant open space and there could be retail uses along a realigned McKay Road and the extension of Highland Shoppes Drive. The plan specified that additional land uses with drive-through facilities and/or gasoline pumps are not appropriate at this location.
  - The plan states that development should recognize the existing pond as a key open space element and any additional open space should build upon this unique amenity, and uses should orient to the pond or to the adjacent street.
  - The plan calls for new buildings to be oriented towards streets with parking located to side or rear. Shared parking is encouraged.
  - The site is located within the Prosperity Church Road Mixed Use Activity Center, a focal point of economic activity typically planned for concentrated development. During the development of the interchange configuration, City Staff worked with NCDOT to develop an interchange concept specifically to facilitate a walkable mixed use community and avoid the type of segregated development that typically occurs at interstate highway interchanges.
- ## • TRANSPORTATION CONSIDERATIONS
- Site access is planned from two (2) local streets. The petition has committed to provide public right-of-way and implementation to extend Highland Shoppes Drive to the site's western property line. Streetscape improvements including 8' planting strips and 6' sidewalks will be provided along McKay Rd. and Highland Shoppes Dr. The site plan has committed to reserve right-of-way along the western property line for a future public street to improve network connectivity.
  - See Outstanding Issues, Note 1.
  - **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 160 trips per day (based on four apartment dwellings and one single family dwelling).  
Entitlement: The approved site plan does not provide specific enough information to be able to determine trips.  
Proposed Zoning: 2,430 trips per day (based on 12,000 square foot nursery and 11,000 square feet of retail).

## DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.

- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water transmission main located along McKay Street. Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. The closest available sewer main is approximately 25 feet southeast of the rezoning boundary on Craven Thomas Road. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections.
- **Engineering and Property Management:**
  - Arborist:** To comply with the NCDOT planting requirements on Craven Thomas Road, the center of large maturing trees are required to be planted 10 feet from edge of travel lane. Therefore, the setback may be required to be widened so the site will be in compliance with the tree ordinance and the NCDOT planting guidelines. ~~See Outstanding Issues, Note 2.~~
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** ~~See Outstanding Issues, Note 3.~~
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. ~~Revise the site plan and notes to commit to the construction of curb and gutter along the west side of McKay Road, abutting the site frontage, at 15.5 feet as measured from the street's existing centerline to provide recessed on-street parking.~~ **Addressed.**

### Environment

2. ~~Provide a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ **Addressed.**
3. ~~Revise stream buffer label to read: "50' Undisturbed PCSO Stream Buffer."~~ **Addressed.**

### Site and Building Design

4. ~~Amend the site plan to include a proposed plaza/patio/dining area south of Development Area 2 along the pond.~~ **Rescinded.** The petitioner stated that they are unable to commit to this element in that location because the area will be subject to a BMP easement. The petitioner has said it is possible that a patio or outdoor dining could ultimately be provided depending on the final design and tenant of the proposed building.

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

5. ~~Remove the "maximum gross square feet of development" from RZ-1.0 because the more specific development standard notes take precedent.~~ **Addressed.**
6. ~~Remove the "Tree save notes" from RZ-1.0 because the development standard notes state the site will comply with the Tree Ordinance.~~ **Addressed.**
7. ~~Adjust the label for the setback along McKay Road and the extension of Highland Shoppes Drive so they are legible.~~ **Addressed.**
8. ~~Show the buffer hatching below the reserve right-of-way along the western property line. Amend the label for the buffer to refer to note 5 A and B of the development standards.~~ **Addressed.**
9. ~~Amend the label for the pedestrian path to remove the specific material. Amend note 5 E under Streetscape/Landscaping/Buffer to describe possible options for materials such as decomposed granite, mulch, concrete pavement, decorative pavers etc. Change the note to commit to stamped asphalt or decorative pavers where the path crosses the parking lot or a drive aisle rather than painted crossing.~~ **Addressed.**
10. ~~Amend the label for water feature to say "water feature/preserved pond."~~ **Addressed.**
11. ~~Amend note 4 B under Architectural and Site Design Standards to reflect what is committed to on the site plan. Only one open space plaza is depicted, not a series of spaces.~~ **Addressed.**

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map

- Community Meeting Report
- Pre-hearing Staff Analysis
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** John Kinley (704) 336-8311